

REMARKS

The following remarks are made in response to the Office Action mailed July 1, 2004. Claims 1-45 were listed as rejected in the Office Action Summary, but in the Detailed Action the Examiner only rejected claims 1-36 and 38-45. With this Response, claims 1, 18, and 26 have been amended. Claims 1-45 remain pending in the application and are presented for reconsideration and allowance.

Information Disclosure Statement

The International Search Reports cited in the Information Disclosure Statement filed November 27, 2000 were not considered by the Examiner because copies of the reports are not in the application.

Applicants have included with the Amendment and Response copies of the International Search Reports previously filed on November 27, 2000. Applicants further request a copy of the Form PTO-1449 form, marked as being considered and initialed by the Examiner, be returned with the next Official Communication.

Claim Rejections under 35 U.S.C. § 102 and under 35 U.S.C. § 103

The Examiner has rejected claims 1, 3, 4, 6-9, 13, 16, 18-19, 22, 25-26, 28, 29, 31-34, 38, 41, 44, and 45 under 35 U.S.C. § 102(e) as being anticipated by the Wilson et al. U.S. Patent No. 6,738,821.

The Examiner has rejected claims 2, 5, 10-12, 14-15, 17, 20-21, 23-24, 27, 30, 35-36, 39-40, and 42-43 under 35 U.S.C. § 103(a) as being rendered obvious by the Wilson et al. U.S. Patent No. 6,738,821.

Amended independent claims 1, 18, and 26 now all include limitations related to implementing a reliable datagram service between the source device and the destination device. The Wilson et al. Patent does not teach or suggest implementing a reliable datagram service between a source device and a destination device.

The Wilson et al. Patent teaches a simple transport protocol (STP) for a storage encapsulation protocol (SEP). The Wilson et al. Patent specifically states at column 17, lines 45-49 that "STP provides datagram and data stream services for SEP. Datagram service is

Amendment and Response

Applicant: Michael R. Krause et al.

Serial No.: 09/578,155

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Title: RELIABLE DATAGRAM

limited to applying the appropriate header and sending pre-formatted data on the Ethernet. It does not packetize data or provide any guarantee of packet delivery.”

The Wilson et al. Patent actually teaches away from having the STP provide a reliable datagram service, because as described in the Wilson et al. Patent, the STP provides a low overhead, local area network (LAN) oriented transport to efficiently move blocks of data to and from target devices. As stated at column 18, beginning at line 48, the STP “finds most benefit in local area networks in which high bandwidth storage transfers are required.” For the storage environment, one embodiment of the Wilson et al. Patent utilizes the SCSI protocol. The parallel SCSI message system is very powerful, but very inefficient when used on a serial interconnect. Thus, the STP described in the Wilson et al. Patent specifically limits its datagram service to applying appropriate header and sending pre-formatted data on the Ethernet and does not packetize data or provide any guarantee of packet delivery with the STP datagram service.

In view of the above, independent claims 1, 18, and 26 are not taught or suggested by the Wilson et al. Patent. In addition, dependent claims 2-6 and 8-17 further define patentable distinct independent claim 1, dependent claims 19-25 further define patentable distinct independent claim 18, and dependent claims 27-45 further define patentable distinct independent claim 26. Therefore, these dependent claims are also believed to be allowable.

Therefore, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 102 and § 103 rejections to claims 1-36 and 38-45 and request allowance of these claims.

Claim 37

Applicants respectfully point out that the Examiner did not list a rejection for claim 37. In addition, dependent claim 37 further defines patentably distinct independent claim 26. Therefore, Applicants respectfully request formal allowance of claim 37.

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-45 are in form for allowance and are not taught or suggested by the cited references. Therefore,

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reconsideration and withdrawal of the rejections and allowance of claims 1-45 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(b)(c). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either Patrick G. Billig at Telephone No. (612) 573-2003, Facsimile No. (612) 573-2005 or Bill O'Meara, Esq. at Telephone No. (970) 898-7917, Facsimile No. (970) 898-3886. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

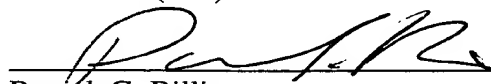
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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 1 day of October, 2004.

By 
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